

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

FILED

## UNITED STATES DISTRICT COURT

for the

2023 NOV -3 PM 12:11

Central District of California

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

Riverside Division



Our Fathers Home LLC

Case No.

(to be filled in by the Clerk's Office)

ED CV

23 - 02273 - DOC (ADS)

Plaintiff(s)  
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Elizabeth Tucker

Defendant(s)  
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Our Fathers Home LLC		
Address	255 North Fulton St #109		
	Fresno	CA	93701
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Fresno		
Telephone Number	559-667-3608		
E-Mail Address	ofh.hebrews13.5@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Elizabeth Tucker		
Job or Title <i>(if known)</i>	Commissioner		
Address	46200 Oasis Street		
	Indio	CA	92201
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Riverside		
Telephone Number			
E-Mail Address <i>(if known)</i>			

☒ Individual capacity ☒ Official capacity

## Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Free Exercise Clause  
First Amendment  
The Establishment Clause

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Deprived us of our rights to have minor children released to the "CHURCH" versus State custody.  
Did not provide us with Due process on the Motion Filed.  
Discrimination  
Retaliation  
42 U.S Code  
See Section "C" Below, Section IV Injuries on Page 5 of 6, Section V Relief on page 5 of 6

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Dept 1A on November 02, 2023 at the Riverside Superior Court house located at:  
46200 Oasis St Indio CA
- B. What date and approximate time did the events giving rise to your claim(s) occur?  
11/02/2023 between the hours of 8:45am - 10:00am
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)  
We submit a motion on behalf of the minor children to have the minor children released into our care and custody AFTER the state has failed to provide safety and place the minor children with Maternal Grandmother. Children have voiced being locked out of the home, made to walk 6 miles a day, no food in the refrigerator, no orthodontic care for over 7 months on braces, mental and emotional duress. Being that the Native Americans have the right and jurisdiction over their minor children, we the family of God should not be discriminated upon or forced to render to the ways of the State. The minor children continue to be withheld from us and continue to express their fear and neglect.
- VIOLATION OF DUE PROCESS, - Motion Ignored - NEVER HEARD.  
FREE EXERCISE CLAUSE: FAILED TO ALLOW US TO TAKE JURISDICTION OF MINORS Keeping Separation of Church & State.  
Violation of 1st Amendment: Failed to allow express & exercise of 1st Amendment by not allowing us to take Jurisdiction of a Family under the Church.  
Discrimination: Allowing only the Native Americans through their beliefs have Jurisdiction over their beliefs and not us according to Ours



## IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Civil Rights Violations, Travel, Emotional duress

Has left children neglected, and Family under duress.

Violating and attempting to strip us of the calling and obligation we have unto Jesus Christ to fulfill our calling Salvation. By not allowing us to fulfill our calling and defend the weak, have the Children come to us, it puts us in a position to hear the words Matthew 7:23 "And then will I profess unto thee, I never knew you; Depart from me ye that work iniquity."

Full passage for understanding: Mark 7:21-23

## V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The Courts respect our rights and our exercising of rights and have the children released into our care. LUKE 18:16: but Jesus called them to Him, saying, "Let the Children come to me, and DO NOT HINDER them, for to such belongs the Kingdom of God."

The commissioner on record stated her neglect in the matter by saying "Your motion is somewhere on my desk". She failed to allow a proper hearing on the motion.

Complaint not to exceed \$100,000.00

- Violation of Due Process. Ignoring a motion and never calendaring in a timely manner. Defendant stated her negligence by claiming "It is somewhere on my desk."
- Free exercise clause: Forces Jurisdiction over a family belonging to the church. Not honoring the Separation of Church & State. Not allowing us to practice our Beliefs.
- Discrimination: Allowing only Native Americans to have Jurisdiction over their families through ICWA - Religious Freedom Act of 1978 and not our Church's Beliefs
- Violation of 1st Amendment: Unable to Practice as our Belief have created us to do.

Psalm 82:3

Defend the weak & the fatherless  
uphold the Cause of the poor and  
oppressed.

Matthew 19:14 Jesus said "let the Children  
come to me, and do not hinder them  
For the Kingdom of Heaven belongs to such as these."

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/02/2023

Signature of Plaintiff

Printed Name of Plaintiff

Our Fathers Home LLC

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Our Fathers Home  
c/o  
Pastor Isabel Valdez  
255 North Fulton St  
Fresno, CA 93701

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
46-200 OASIS ST INDIO, CA 92201

Our Fathers Home, Pastor Isabel	) Case No.: DPIN2300051
Vela,	)
	) APPLICATION FOR PERMISSION TO FILE
Petitioner,	)
	) AMICI CURIAE BRIEF AND AMICI CURIAE
vs.	)
	) BRIEF OF OUR FATHERS HOME & PASTOR
State of California, County of	)
Riverside	) ISABEL VELA. EX PARTE MOTION
	)
Defendant	) CHILDREN TO BE PLACED IN CARE OF OUR
	) FATHERS HOME & PASTOR ISABEL VELA

TO THE HONORABLE JUDGE PRESIDING, Pursuant to California  
Rules of Court, Rule 8.200(c), amici curiae The Church Our  
Fathers Home, and Pastor Isabel Vela respectfully request  
permission to file the accompanying brief in support of the  
minor children named within this petition:

Dominic N. Zapata  
Daniel E. Zapata

1           The brief will assist the Court by setting forth the  
2 uniquely important perspective of the church / faith community  
3 with respect to the displacement and placement into a government  
4 agency of the minor children. Amici has a profound interest in  
5 the established definition of displaced children, broken homes,  
6 those that bare false witness, and the acts and errors of one,  
7 and in the outcome of this case:  
8  
9

10  
11           The Church of Our Fathers Home is a non-denominational  
12 Church with members and supporters not only in California but in  
13 surrounding states. Faith, Love, Loyalty, Honesty, and family  
14 are central to the Church's doctrine and beliefs. We the Church  
15 teach that marriage between man and woman is sacred and ordained  
16 of God and that the family is the foundation of society. The  
17 Children should as the Bible States:  
18  
19

20           LUKE 18:16

21           But Jesus called them to Him, saying, "Let the Children  
22 come to me, and do not hinder them, for to such belongs the  
23 kingdom of God."  
24  
25

26           As the Church and Lead Pastor, we have clear instruction found  
27 in Psalms 82 3 "Give justice to the poor and the orphan; uphold  
28



1 the rights of the oppressed and the destitute. Provide justice  
2 for the needy and the fatherless; uphold the rights of the  
3 oppressed and the destitute." and thus it is imperative to  
4 uphold our Constitution and Sovereign Right to be accepted not  
5 only as a friend of the court for this matter, but to obtain  
6 jurisdiction of the minor children immediately to prevent  
7 further duress and harm while under the courts jurisdiction.  
8 There is a clear separation of State and Church, and the state  
9 has no standing to object our request.  
10  
11  
12

13 1) THE UNITED STATES DEPT. OF JUSTICE

14 1-15.300 (13)

15 13) *A governmental action substantially burdens an exercise of*  
16 *religion under RFRA if it bans an aspect of an adherent's*  
17 *religious observance or practice, compels an act inconsistent*  
18 *with that observance or practice, or substantially pressures the*  
19 *adherent to modify such observance or practice.*  
20  
21

22 Because the government cannot second-guess the reasonableness of  
23 a religious belief or the adherent's assessment of the religious  
24 connection between the government mandate and the underlying  
25 religious belief, the substantial burden test focuses on the  
26 extent of governmental compulsion involved. In general, a  
27  
28

1 government action that bans an aspect of an adherent's religious  
2 observance or practice, compels an act inconsistent with that  
3 observance or practice, or substantially pressures the adherent  
4 to modify such observance or practice, will qualify as a  
5 substantial burden on the exercise of religion.  
6

7  
8  
9 *Kedroff v. Saint Nicholas Cathedral* (1952)

10 Justice Stanley F. Reed based his majority opinion in *Kedroff* on  
11 the idea that a government that could by legislative will or  
12 fiat grant authority to one group could just as easily grant it  
13 to another.  
14

15  
16 Thus, the court, in the interest of justice and to uphold the  
17 Freedom of Religion, Free Exercise Clause, should find it  
18 appropriate to release the minor children IMMEDIATELY to Our  
19 Fathers Home and Pastor Isabel Vela.  
20

21  
22 Failure to do so would show discrimination against, and an  
23 infringement of our Constitutional Right.  
24

25  
26 18 U.S.C. § 241 Section 241 makes it unlawful for two or more  
27 persons to agree to injure, threaten, or intimidate a person in  
28 the United States in the free exercise or enjoyment of any right

1 or privilege secured by the Constitution or laws of the United  
2 States or because of his or her having exercised such a right.

3  
4  
5 The grandmother has attempted to notify the courts of the duress  
6 the children find themselves in with a filing dated: September  
7 06, 2023 of which the only concern of the courts was whether the  
8 grandmother had legal standing or not. Images of text messages  
9 where submitted showing duress and neglect, not enough food in  
10 the refrigerator.

11  
12  
13 Due to the continued fear and concern for the minor children,  
14 the grandmothers firm stand in exercising her religious rights,  
15 it was our duty and obligation once the petition went ignored,  
16 to intervene:

17  
18 **Matthew 18:15-20 American Standard Version (ASV)**

19 And if thy brother sin against thee, go, show him his fault  
20 between thee and him alone: if he hear thee, thou hast gained  
21 thy brother. But if he hear thee not, take with thee one or two  
22 more, that at the mouth of two witnesses or three every word may  
23 be established. And if he refuse to hear them, tell it unto the  
24 church: and if he refuse to hear the church also, let him be  
25 unto thee as the Gentile and the publican.

1 Our Prayer:

2 1) Become a friend of the court.

3 2) Be awarded care and guardianship of the minor children  
4 WITHOUT governmental interference.  
5

6  
7 Grounds for granting:

8  
9 1) Right to exercise our religious duties and  
10 obligations:  
11

12 Psalms 82 3 "Give justice to the poor and the orphan; uphold  
13 the rights of the oppressed and the destitute. Provide justice  
14 for the needy and the fatherless; uphold the rights of the  
15 oppressed and the destitute."  
16

17  
18 2) Separation of Church and State.  
19

20 Let this serve as notice that should the courts not respect our  
21 religious duty in the interest of justice, we will seek Federal  
22 Protection and enforcement of said rights.  
23

24  
25 Dated this 10<sup>th</sup> day of October 2023.  
26  
27  
28



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5 *Our Fathers Home, Pastor Isabel Vela*  
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But I'm hungry  
I have no food

EXHIBIT B  
1 OF 4

No

We get it every month

When

And sometimes she takes off more

What days why she takes out more

Sometimes no reason because I don't  
clean she says

But she doesn't even know when I  
clean or don't clean

So she charges you guys if you don't  
clean 🙄

One time I cleaned the floor she still  
took off money

How much

Because she didn't know I did

Well \$3 every time



Locked outside again

EXHIBIT "B"  
3 of 4



Yes and she got mad she was saying  
get out loud to me

And she was kind of pushing me out  
the door

She closed the door on me while I  
was going out she didn't let me brush  
my teeth